

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO L. GORDON,

Defendant.

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02-cr-40004-WDS

ORDER

STIEHL, District Judge:

Before the Court is defendant's pro se motion to dismiss (Doc. 290). In this motion, the defendant seeks dismissal of the indictment in his criminal case. The defendant was convicted in 2005 which was affirmed on appeal (Doc. 256). He then filed a post conviction, habeas motion, *Gordon v. United States*, which was dismissed and affirmed on appeal (See, Mandate at Doc. 33, 06-CV-1006-WDS). He then sought leave to file a second or successive petition for habeas relief, which was denied in this criminal action (See, Order at Doc. 284). The motion to dismiss is, in effect, a second or successive habeas petition, regardless of the title.

Accordingly, the motion to dismiss the indictment (Doc. 290) is **DISMISSED**.

IT IS SO ORDERED.

DATE: 27 July, 2012

**/s/ WILLIAM D. STIEHL
DISTRICT JUDGE**